

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
O4-CR-163A

DAVID N. SEELOFF,

Defendant.

The above-referenced case was referred to Magistrate Judge David N. Seeloff pursuant to 28 U.S.C. § 636(b)(1)(A), on September 21, 2004. On May 27, 2005, Magistrate Judge Hugh B. Scott filed a Report and Recommendation, recommending that defendant's motion to suppress the evidence obtained as a result of the search of 3850 German Road be denied and that defendant's motion to suppress the custodial pre-Miranda statement identifying the weapon as "a .410 shotgun" be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties. No objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to suppress the evidence obtained as a result of the search

of 3850 German Road is denied, and defendant's motion to suppress the custodial pre-Miranda statement identifying the weapon as "a .410 shotgun" is granted.

The parties shall appear before this Court on Monday, June 27, 2005 at 11:00 a.m. for a meeting to set a trial date.

IT IS SO ORDERED.

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: June , 2005